GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ENDOWMENTS DEPARTMENT – The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Immovable Properties and Other Right (Other than Agricultural Lands) Leases and Licenses Rules, 2003 – Amendment – Preliminary Notification - Issued.

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REVENUE (ENDOWMENTS-I) DEAPRTMENT

G.O.Ms.No.339 **Dated 10-9-2015.**
Read the following :-

1) G.O.Ms. No.866, Rev. (Endt.I) Dept., dt.8-8-2003
2) From the C.E.D. A.P. Hyderabad letter Rc.No.in DPI/ 7955/2015, dt.25-4-2015.

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O R D E R:

The following notification will be published in an Extraordinary issue of the Andhra Pradesh Gazette, dated 15-9-2015:-

PRELIMINARY NOTIFICATION

The following amendments to the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Immovable Properties and Other Right (Other than Agricultural Lands) Leases and Licenses Rules, 2003, issued in G.O.Ms.No.866, Rev. (Endt.I) Dept., dt.8-8-2003 and published in the Part-I Extraordinary issue of the Andhra Pradesh Gazette No.40, dated 14-8-2003, are proposed to be made in exercise of the powers conferred by sub-section (3) of section 82 read with section 153 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Andhra Pradesh Act No.30 of 1987) is hereby published for general information in the Andhra Pradesh Gazette as required under sub-section (1) of section 153 of the said Act.

Notice is hereby given that, the aforesaid amendments will be taken into consideration by the Government on or after expiry of Thirty (30) days from the date of publication of this notification in the Andhra Pradesh Gazette and that, any objections or suggestions which may be received from any person, with respect thereto within the aforesaid period will be taken into consideration by the Government of Andhra Pradesh. Objections and suggestions should be addressed to the Principal Secretary to Government, Revenue (Endowments) Department, Andhra Pradesh, Secretariat, Hyderabad in duplicate.

AMENDMENTS

1. In Rule 3 of the said Rules, the heading and Sub-Rule (1), shall be **substituted** as follows:

3. Mode of confirmation of Lease or License rights :

(1) All leases or licenses shall be made by way of Tender-cum-Public Auction on Annual Advance Rental basis. The Executive Authorities shall also call for tender or auction electronically if the value of the transaction exceeds Rs.10 lakhs. The E-tenders have to be opened after the completion of public auction and opening of regular tenders, if any.

(p.t.o.)

2. In Rule 4 of the said Rules, the entire Sub-Rule (2) shall be **substituted** as follows:

(2) (a) No lease of Immovable property shall be granted for a period exceeding eleven (11) years. The lease amount shall be enhanced by 30% for every three (3) years over the existing rent.

(b) No license of Immovable property shall be granted for a period exceeding eleven (11) years. The fee amount shall be enhanced by 30% for every three (3) years over the existing fee.

(c) After completion of license / lease period, no further extension will be granted under any circumstances. The Executive Authority shall conduct Tender – cum – Public auction straight away in the interest of temple or Endowment without taking cover under the pretext of seeking permission of higher authorities to conduct fresh auction. Those who are desirous to retain their existing holding may participate in Tender – cum – Public auction and retain their holding if they are successful in the bid. Thus a fair opportunity is given to the existing license or lease holder while the temple or Endowment Institution is allowed to pursue their objects.

(d) The Executive Authority shall conduct Tender – cum – Public auction compulsorily before three months of expiry of existing license or Lease period. The Executive Authority shall also issue a public notice to that effect. The Executive Authority shall be held personally responsible for delays caused in lease/license auction.

(e) Notwithstanding anything stated above,

(i) in case of the public sector undertakings, Governmental Organizations, Scheduled Banks etc., the lease or license rights may be given or extended otherwise than by way of Public auction on the request of such organization or department with appropriate rent or fee with invariably suitable enhancement of rent or fee as may be decided by the Commissioner.

(ii) in the case of reputed Hindu Religious Organisations which are specifically propogating / goals of Sanatana Dharma (Hinduism) (eg: book shop selling exclusively Hindu Religious Books etc.,) will be given or extended otherwise than by way of Public Auction on the request of such organization. This lease / license shall be either free or on nominal rent/fees. This is so as such organizations are undertaking a Dharmika activity which is also major goals of all Temples or Hindu Endowments.

...3.

(f) No person professing other than Hinduism as his religion is entitled to obtain lease or license either through tender – cum – public auction or otherwise.

3. Immediately after sub-rule (3) of Rule 12 of the said Rules, the following sub-rule (4) shall be added:-

(4) Notwithstanding anything in these rules, table, the Government may alter the financial limits of the competent authorities from time to time.

4. Rule 15 of the said Rules, shall be **substituted** as follows :

15. Validity of lease or license or occupation:

Notwithstanding anything contained in these rules and any other Rules for the time being-

(1) any Judgment, compromise, scheme, any lease or license granted, continued or allowed to be continued otherwise than by these Rules and all unauthorized occupations with whatever nomenclature they may be, shall be null and void. The Executive Authority shall automatically issue notice in Form-A, appended to these Rules, to the occupier in all such cases with a demand to vacate and hand over possession of the property. If the person in occupation fails to hand over the same, the Executive Authority shall evict such person with the assistance of Police invoking the provisions Under Sections 84 and 86 of the Act treating him as an encroacher in the order passed Under Section 83(4) or 85(1) of the Act. The Executive Authority shall not take cover under the pretext of seeking permission of higher authorities to carry out the eviction process. Protection of the interest of the temple or Endowments institutions shall be the paramount for the Executive Authority under all the circumstances.

(2) the Executive Authority or any other Endowment Authority shall simultaneously file a police report or a complaint and prosecute the encroacher for criminal trespass as the encroachment of endowment institutions property is an offence against the Society. On bringing to the knowledge of the police of Court about the encroachment of any temple or Endowment institutions property, the same shall be taken cognizance of. The offence of encroachment of temple or any Endowment institutions property is a cognizable, non bailable and non-compoundable offence.

(3) loss caused by the encroacher or defaulter shall be recovered simultaneously as arrears of land revenue by the Assistant Commissioner of the District or any other senior Endowment official in exceptional circumstances.

(p.t.o.)

5. Rule 17 of the said Rules, shall be **substituted** as follows :

17. Default, violation of conditions etc.:

Notwithstanding anything contained in these rules and other rules for time being—

(1) In default of payment of rent or fees, or for violation of lease or license conditions, the lease or license is liable for cancellation. In such cases, the Executive Authority shall issue notice in Form-B, appended to these Rules, to the lessee or licensee or occupier to comply with the lease or license conditions. If the lessee or licensee or occupier fails to comply with the notice so issued, the Executive Authority shall evict the lessee or licensee or occupier immediately thereafter with the assistance of the Police invoking the provisions under section 84 and 86 of the Act treating him as an encroacher in the order passed under section 83 (4) or 85(1) of the Act. The Executive Authority shall not take cover under the pretext of seeking permission of higher authorities to carry out the eviction process. Protection of the interest of the temple or Endowments institutions shall be the paramount for the Executive Authority under all the circumstances.

(2) the Executive Authority or any other Endowment Authority shall simultaneously file a police report or a complaint and prosecute the encroacher for criminal trespass as the encroachment of endowment institutions property is an offence against the Society. On bringing to the knowledge of the police of Court about the encroachment of any temple or Endowment institutions property, the same shall be taken cognizance of. The offence of encroachment of temple or any Endowment institutions property is a cognizable, non bailable and non-compoundable offence.

(3) the arrears if any, loss caused by the encroacher or defaulter shall also be recovered simultaneously as arrears of land revenue by the Assistant Commissioner of the District or any other senior Endowment official in exceptional circumstances.

6. Immediately after Rule 17, a new Rule shall be **added** as Rule 18 as follows :

18. Special provisions for development contracts or projects :

(1) Vacant sites below 1000 Square yards :

Notwithstanding anything above, the Commissioner is competent to accord permission for construction of commercial complex, malls, shops etc., for any license period not exceeding thirty three years on BOOT basis. The objections

(...5)

and suggestions of the persons having interest, shall be called in ten days notice through leading news paper advertisement, and considered before taking any decision on the project. *The selection of agency shall always be made through tender mode only.*

(2) Vacant sites above 1000 Square yards :

Notwithstanding anything above, the Andhra Pradesh Dharmika Parishad is competent to accord permission for construction of commercial complex, malls, shops etc., for any license period not exceeding thirty three years on BOOT basis. The objections and suggestions of the persons having interest, shall be called in ten days notice through leading news paper advertisement, and considered before taking any decision on the project. *The selection of agency shall always be made through tender mode only.*

(3) In all such cases, selection by way of Public Tender / Auction shall be insisted upon to protect the interest of the temple or Endowment and thereby Hindu Dharma, which is paramount to the Executive Authority. The Executive Authority shall prescribe in Tender Rules that no activity which is detrimental to the sentiments of Hindu Religion shall be allowed to be under taken in such shops, malls, etc., for example sale of liquor, allowing any other religious activity of other religions, sale of non vegetarian items, activities which promote vulgarity etc.,

(4) No person professing other than Hinduism as his religion is entitled obtain lease or license even in above shops, malls etc.,

7. Immediately after Rule 18 of the said Rules, the following new Rule 19 shall be **added** namely:-

19. Residue: If any of these Rules if lying inconsistent with the provisions of the Act, being amended from time to time, will not over ride the provisions of the Act. For that purpose, the Rule shall be ignored as if non est to that extent.

8. Immediately after Rule 19 to the said Rules, the following Form-A and thereafter Form – B shall be **added** as Annexures:-

ANNEXURE
Form – A
(Under Rule - 15)

Office of the Executive Authority
Sri……..
Village/ Town……

(p.t.o.)

Notice No.....
Date.....

To:

Sri.....
.....
.....

You are hereby informed that by virtue of sub-section (1) of Section 82 of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 1987(A.P. Act 30/87) and the Rules issued thereunder, that the subsisting license in respect of the commercial property specified under the schedule herein stood cancelled with immediate effect/ with effect from ..... . The license rights in respect of the said property are proposed to be licensed out by way of tender -cum -public auction as per rules. You should handover the premises licensed to you with in fifteen days of the receipt of the notice and pay the balance license fees due till that date. Failing which you shall be evicted by force invoking the provisions under sections 84 and 86 of the act treating you as an encroacher in the order passed under sections 83(4) or 85(1) of the Act.

SCHEDULE

1.Town, Mandal and District in which the property is situated:

_____

_____

_____

2. Details of the property.

(a) Door No: _____.

(b) Street : _____

(c) Extent : _____

(d) Commercial / tank/ Usufruct / others (Describe)
:_____

Signature of the Executive Authority

ANNEXURE
Form – B
(Under Rule - 17)
Office of the Executive Authority
Sri.....
Village/ Town.....

Notice No.....
Date.....
To:
Sri.....
.....
.....

(contd. p.7)

You are hereby informed that the subsisting lease/license in respect of the property specified under the schedule herein will be cancelled as you have

(1) failed to pay the rent/fees as per agreed conditions w.e.f._____. As such there is a due of Rs._____ till to date. You are also liable to pay interest for each day of delay @ 36% per annum as belated payment.

(2) violated the following agreed conditions:

(i)

(ii)

(iii)

In view of the above, you are hereby directed to rectify the above lapses with immediate effect failing which you shall handover the premises licensed/leased to you within fifteen (15) days of the receipt of the notice and pay the balance rent/fees due till that date. Failing which you shall be evicted by force invoking the provisions under sections 84 and 86 of the act treating you as an encroacher in the order passed under sections 83(4) or 85(1) of the Act 30/87.

SCHEDULE

1.Town, Mandal and District in which the property is situated:

_____

_____

2. Details of the property.

(a) Door No: _____.

(b) Street : _____

(c) Extent : _____

(d) Commercial / tank/ Usufruct / others (Describe): __

Signature of the Executive Authority

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V. PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Printing, Stationary and Stores Purchase, Hyderabad (For Publishing the notification in the next issue of A.P. Gazette. He is requested to supply 50 copies to Government and 50 copies to the Commissioner, Endowments,A.P. Hyderabad).

Copy to:
The Commissioner, Endowments Department,A.P. Hyderabad.
The P.S. to Minister (Endowments).
The Revenue (Endts.II) Department.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER